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TRANSMITTAL FORM

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Total Number of Pages in This Submission

	Application Number	10/027,394
	Filing Date	12/21/2001
	First Named Inventor	Bruce G. Kania
	Art Unit	3743
	Examiner Name	Kim M. Lewis

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Attorney Docket Number

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 - Fee Attached
- Amendment/Reply
 - After Final
 - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation
- Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance communication to Technology Center (TC)
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Remarks

Provisional Election

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JUL 15 2004

TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Antoinette M. Tease, P.L.L.C.
Signature	
Date	07/08/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/027,394
Filing Date: 12/21/2001
Applicant: Bruce G. Kania
Title: Treatment Devices Providing Targeted Antimicrobial Action
Examiner/GAU: Kim M. Lewis/3743

PROVISIONAL ELECTION

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The Honorable Commissioner for Patents
Washington, District of Columbia 20231

JUL 15 2004

TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Official Action mailed June 14, 2004, Applicant provisionally elects, with traverse, Group I, Claims 1-27 for further reexamination on the merits in the present application.

Applicant respectfully traverses the restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness. In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

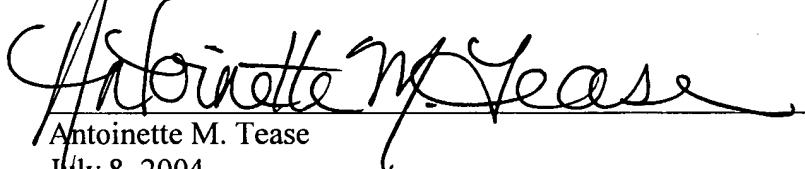
Accordingly, Applicant respectfully traverses the outstanding election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the examiner.

Respectfully submitted,



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Antoinette M. Tease
July 8, 2004